

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MALIBU MEDIA, LLC,)
Plaintiff,)
) No. 1:12-cv-00620
-v-)
) HONORABLE PAUL L. MALONEY
JOHN DOES 1–10,)
Defendants.)
_____)

ORDER TO SHOW CAUSE

On June 14, 2012, Plaintiff filed five complaints in this district, including two cases before this court, alleging copyright infringement against a number of unnamed, “John Doe” defendants. Each “John Doe” defendant corresponds to an internet protocol (“IP”) address associated with the alleged use of the BitTorrent file-sharing protocol to download and distribute Plaintiff’s copyrighted movies.

Plaintiff alleges that joinder of these defendants is proper in a single action based on each defendant’s use of BitTorrent to copy and redistribute the constituent elements of the copyrighted works through the BitTorrent network of users. The courts, however, “are divided over whether joinder is proper in cases where defendants have alleged swapped files via BitTorrent.” *Malibu Media, LLC v. Does 1–34*, No. 12-1195, 2012 WL 1792979, at *1 (D. Md. May 15, 2012); *see also, e.g., Cinetel Films, Inc. v. Does 1–1,052*, No. 8:11-cv-02438, 2012 WL 1142272, at *4 (D. Md. Apr. 4, 2012) (summarizing split of district court authority on joinder issue and holding joinder of John Doe defendants improper under Rule 20(a)).

As is Judge Jonker, *see, e.g., Malibu Media, LLC v. Does 1–31*, No. 1:12-cv-616, ECF No. 5 (W.D. Mich. June 25, 2012), this court is concerned that Plaintiff’s allegations fail to show commonalities among Defendants that would make joinder proper. *See Fed R. Civ. P. 20(a)*.

Therefore, the Court Orders Plaintiff to show cause as to why all but the first “John Doe” in each action should not be dismissed from the case, without prejudice to Plaintiff’s ability to re-file complaints against the remaining defendants in separate actions. Plaintiff shall file a brief with the Court no later than

Monday, July 23, 2012, that addresses the joinder issue.

IT IS SO ORDERED.

Date: July 3, 2012

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge